

Assembly Bill No. 216

CHAPTER 382

An act to amend Section 56366.10 of the Education Code, relating to special education.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 216, Bass. Special education: nonpublic, nonsectarian schools.

Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. School districts, county offices of education, and special education local plan areas are required to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Under certain circumstances, a school district, county office of education, or special education local plan area is authorized to enter into a contract for the provision of special education and related services with a nonpublic, nonsectarian school or agency that has been certified by the Superintendent of Public Instruction.

Under existing law, a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs is required to certify in writing to the Superintendent that it meets specified requirements, including, among others, that pupils have access to the specified educational materials, services, and programs to the extent available at the local educational agency in which the nonpublic school is located. One of the specified educational materials relates to standards-based, core curriculum and instructional materials.

This bill, instead, would require that the educational materials, services, and programs provided by the nonpublic, nonsectarian school be consistent with the pupil's individualized education program. The bill also would revise the provision relating to standards-based, core curriculum and instructional materials.

The people of the State of California do enact as follows:

SECTION 1. Section 56366.10 of the Education Code is amended to read:

56366.10. In addition to the certification requirements set forth in Sections 56366 and 56366.1, a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs shall certify in writing to the Superintendent that it meets all of the following requirements:

(a) It will not accept a pupil with exceptional needs if it cannot provide or ensure the provision of the services outlined in the pupil's individualized education program.

(b) Pupils have access to the following educational materials, services, and programs that are consistent with each pupil's individualized education program:

(1) (A) For kindergarten and grades 1 to 8, inclusive, state-adopted, standards-based, core curriculum and instructional materials.

(B) For grades 9 to 12, inclusive, standards-based, core curriculum and instructional materials used by any local educational agency that contracts with the nonpublic, nonsectarian school.

(2) College preparation courses.

(3) Extracurricular activities, such as art, sports, music, and academic clubs.

(4) Career preparation and vocational training, consistent with transition plans pursuant to state and federal law.

(5) Supplemental assistance, including individual academic tutoring, psychological counseling, and career and college counseling.

(c) The teachers and staff provide academic instruction and support services to pupils with the goal of integrating pupils into the least restrictive environment pursuant to federal law.

(d) The school has and abides by a written policy for pupil discipline which is consistent with state and federal law and regulations.